

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

AIR WEST EAST COMMUNICATIONS,)	
LLC and KEVIN E. DIXON, SR.,)	
Plaintiffs,)	CIVIL ACTION
vs.)	FILE NO. _____
STATE FARM FIRE AND CASUALTY)	[On removal from the State
COMPANY,)	Court of Cobb County,
Defendant.)	Civil Action File No.
	10-A-7523-1]

NOTICE OF REMOVAL

Defendant State Farm Fire and Casualty Company ("State Farm") files this Notice of Removal pursuant to 28 U.S.C. § 1441 and 1446, respectfully showing the Court the following facts:

1.

Plaintiffs commenced this action in the State Court of Cobb County by filing the Complaint on July 28, 2010. State Farm was served with the Summons and Complaint on August 4, 2010. The Notice of Removal is filed within thirty days of August 4, 2010, the date on which State Farm first received a copy of the Complaint. The Notice of Removal is also filed within one year of the commencement of the action. Removal is thus timely under 28 U.S.C. § 1446(b).

2.

Upon information and belief, Plaintiff Air West East Communications, LLC is a Georgia Limited Liability Company organized under the laws of the State of Georgia, with its principal place of business located at 3105 Creekside Village Drive, Suite 606, Kennesaw, Georgia 30144. Its members are citizens of and domiciled in the State of Georgia.

3.

Upon information and belief, Plaintiff Kevin E. Dixon, Sr. is a citizen of and domiciled in the State of Georgia.

4.

Defendant State Farm is a citizen of a foreign state, being a corporation organized and existing under the laws of the State of Illinois and having its principal place of business in the State of Illinois.

5.

Complete diversity exists between Plaintiffs and Defendant in accordance with 28 U.S.C. § 1332(a)(1).

6.

The Complaint filed by Plaintiffs seeks recovery of insurance proceeds allegedly owed under a policy of insurance issued by State Farm, in the amount of

\$606,030.00 and such other relief as the Court may deem proper. Therefore, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

7.

This case is a civil action that may be removed to this Court pursuant to 28 U.S.C. § 1441. This court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) and (b) because there is complete diversity of citizenship between Plaintiffs and Defendant and the amount in controversy exceeds \$75,000.00. Further, as required by 28 U.S.C. § 1441(b), no defendant is a citizen of the State of Georgia.

8.

State Farm has attached hereto copies of all process, pleadings, and Orders that have been filed in the State Court of Cobb County prior to the date of this Notice of Removal, such copies being marked as Exhibit "A."

9.

State Farm has given written notice of the filing of this Notice of Removal to Plaintiffs by notifying their attorney of record, Thomas A. Bound, Esq., Theodore Salter, Jr. and Associates, P.C., 112 Townpark Drive, Suite 040, Kennesaw, GA 30144.

10.

State Farm has filed a written notice with the Clerk of the State Court of Cobb County, a copy of said Notice being attached hereto as Exhibit "B."

WHEREFORE, Defendant State Farm prays that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 2nd day of September, 2010.

SWIFT, CURRIE, McGHEE & HIERS,
LLP

/s/ Thomas B. Ward

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*Attorneys for Defendant
State Farm Fire and Casualty Company*

CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing ***NOTICE OF REMOVAL*** via the CM/ECF system, which will automatically send notification to the following counsel of record as follows:

Thomas A. Bound, Esq.
THEODORE SALTER, JR. & ASSOCIATES, P.C.
112 Townpark Drive
Suite 040
Kennesaw, GA 30144

This 2nd day of September, 2010.

SWIFT, CURRIE, McGHEE & HIERS,
LLP

/s/ Thomas B. Ward

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